

## REMARKS

Claims 1-18 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner made the following statements in the Action:

The specification does not contain support for the limitation “a polyolefin resin layer containing at most 1% by weight of an ethylene.” \* \* \* The examiner initially notes said disclosure supports one specific composition and does not implicitly demonstrate applicant had possession of the much broader genus of compositions comprising at most 1wt% of an ethylene. The examiner further notes the disclosure state “4% ethylene” but does not state said percentage is a weight percent.”

Contrary to the Examiner’s belief, the specification fully supports that the Applicants were in possession of the whole “genus” of composition comprising at most 1 % by weight of ethylene. However, Applicants have amended the claims to mirror the exact specification language to facilitate further prosecution of this application. Claims 1 and 5 now recite a polyolefin layer having *up to 1% ethylene by weight of the layer*. This claim language mirrors the specification language found at page 8, lines 19-22, which states, “An optional amount of propylene-ethylene copolymer of 4% ethylene may also be included, *up to 25% by weight of the skin layer*.” Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1-18 stand rejected under 35 USC 103(a) on Cretekos in view of Applicants’ alleged admission and further in view of Spence. Applicants have amended claims 1 and 5, which now recite a non-metallocene catalyzed polyolefin resin layer with a metallizable surface and a discharge-treated cold-sealing surface having at least 0.5 atomic % nitrogen functional groups.

The disclosure of Cretekos is limited to metallocene catalyzed polyolefin resin layers. Cretekos teaches away from using non-metallocene skin layers. For example, column 1, lines 6-9, states that “The present invention relates to a film that contains a skin layer of metallocene-catalyzed, substantially isotactic propylene homopolymer or metallocene-catalyzed propylenen copolymer.” In addition, at column 1, lines 14-19, Cretekos emphasizes the desirability of using

a metallocene catalyzed polyolefin for its low melting point and its usefulness as a heat-sealing material. Since Cretekos teaches away from using non-metallocene skin layers, it would not have been obvious to modify Cretekos in view of Spence and Applicants' admission to disclose a non-metallocene skin layer with the claimed level of nitrogen functional groups.

Further, the Examiner misinterpreted Spence. Contrary to the Examiner's belief, Spence does not teach how to impart the claimed level of nitrogen functional groups on a polyolefin layer comprising upto 1% ethylene by weight as claimed in claims 1 and 5. Spence concerns plasma treatments, not corona treatments. Plasma treatments tend to result in a lower concentration of nitrogen functional group, and Spence does not disclose imparting the claimed level of nitrogen functional groups on a polyolefin layer with upto 1% ethylene by weight of the layer. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1-18 stand rejected under 35 USC 103(a) on Bothe in view of Applicants' admission and further in view of Spence. Bothe does not disclose a discharge-treated cold-sealing surface with the claimed level of nitrogen functional group. In fact, Bothe does not contemplate cold sealing. In Bothe, the only treated surface is the surface for metallizing (Lines 26-27, Column 2). The metallizing layer disclosed by Bothe corresponds to the metallizable surface, not the cold-sealing surface with the claimed level of nitrogen functional groups. The sealing surface disclosed in Bothe is not treated and not suitable for cold sealing. Since Bothe does not contemplate cold sealing, there is no motivation to discharge-treat the sealing surface of Bothe in view of Applicants' admission or Spence to obtain the claimed level of nitrogen functional groups. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1-18 stand rejected under 35 USC 103(a) on Peiffer in view of Applicants' admission and further in view of Spence. Again, claims 1 and 5 as amended involve a non-metallocene catalyzed polyolefin resin layer with a discharge-treated cold-sealing surface. Peiffer concerns films for twist wrapping (Lines 6-15, Column 1) and, thus, does not contemplate cold sealing. The only instance in which Peiffer discloses discharge-treating a

surface is “in order to ensure printability” (Lines 62-66, Column 5; Lines 16-20, Column 4). Thus, there is no motivation to combine Peiffer with Applicants’ admission or Spence to obtain a discharge-treated cold-sealing surface with the claimed level of nitrogen functional groups. Accordingly, this rejection should be withdrawn.

Claims 1-18 stand rejected under 35 USC 102(e) as being anticipated by Su and also as being anticipated by Chang. For a reference to anticipate a claim, the reference must teach every elements and limitations of the claim. Although Su and Chang disclose metallizable surfaces with the claimed level of atomic nitrogen functional groups, Su and Chang do not disclose a cold-sealing surface with the claimed level of atomic nitrogen functional group as claimed in claims 1 and 5. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1-18 stand rejected under the doctrine of double patenting for claiming an invention not patentably distinct from the claims of Su. As explained above, claims 1 and 5 as amended concern a polyolefin film with a discharge treated cold-sealing surface with at least 0.5 atomic % nitrogen functional groups, not a metallizable surface with the claimed level of nitrogen functional group. Since the claims of Su are patentably distinct from the claims of this application, Applicants respectfully request that this rejection be withdrawn.

Claims 1-18 stand rejected under the doctrine of double patenting for claiming an invention not patentably distinct from the claims of Chang. Again, claims 1 and 5 as amended concern a polyolefin film with a discharge treated cold-sealing surface with at least 0.5 atomic % nitrogen functional groups, not a metallizable surface with the claimed level of nitrogen functional group. Since the claims of Chang are patentably distinct from the claims of this application, Applicants respectfully request that this rejection be withdrawn.

In view of above, each of presently pending claims in this application is in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and pass this application to issue.

In the event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 CFR 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **361752002300**.

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